

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MAIKEL T. SHONOUDA,

Plaintiff,

- against -

CHARLES J. NAFIE ARCHITECT DPC,  
and CHARLES J. NAFIE, individually,

Defendants.

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Case No.: 17 cv 6098  
(RWS)(SN)

DECLARATION OF  
PETER H. COOPER, ESQ.  
IN SUPPORT OF MOTION  
FOR DEFAULT  
JUDGMENT

I, Peter H. Cooper, Esq., declare and state the following:

1. I am an attorney admitted to practice in the State of New York and in this Court, and I am a member of the law firm Cilenti & Cooper, PLLC, counsel to plaintiff Maikel T. Shonouda ("plaintiff") in this action. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. I submit this declaration in support of plaintiff's motion for entry of a default judgment against Charles J. Nafie Architect DPC and Charles J. Nafie, individually (collectively, "defendants"), whose principal business address is 30 East 60<sup>th</sup> Street, Suite 905, New York, New York 10012, in the amount of \$75,000 plus attorneys' fees and costs, due to defendants' failure to defend this action.

3. A true and complete copy of plaintiff's complaint is annexed hereto as Exhibit "A".

4. A true copy of plaintiff's affidavits of service upon defaulting defendants, is annexed hereto as Exhibit "B".

5. A true and complete copy of correspondence dated November 26, 2017, from defense counsel Daniel Ritson, seeking leave to withdraw as counsel for the defendants, is annexed hereto as Exhibit "C".

6. An order of the United States District Court dated December 13, 2017, is annexed hereto as Exhibit "D".

7. A true copy the clerk's notation of default on dated December 15, 2017, is attached hereto as Exhibit "E".

8. A true copy of correspondence received from defendant Charles J. Nafie on December 15, 2017, is annexed hereto as Exhibit "F".

9. A true copy of a damages analysis for plaintiff, prepared by the declarant, Peter H. Cooper, Esq. based upon Mr. Shonouda's allegations and a review of his available pay records, is attached hereto as Exhibit "G".

10. A contemporaneous invoice prepared by Cilenti & Cooper, PLLC, for legal services in the case at bar, is annexed hereto as Exhibit "H".

11. As of January 16, 2018, Cilenti & Cooper, PLLC has spent more than sixteen (16) hours of attorney time and incurred \$504.00 in out of pocket costs prosecuting this litigation, which was necessary and incidental to plaintiff's representation. Mr. Cooper has exercised billing judgment by not counting every task, such as numerous phone calls completed by himself and his assistant, and by absorbing costs for local travel as firm overhead.

12. A proposed default judgment is attached as Exhibit "I".

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 16, 2018 at New York, New York.

A handwritten signature in blue ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

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PETER H. COOPER, ESQ.